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Control #: 202404041619
Index #: E2024003035

Date: 04/04/2024

Dias, Liyanagamage Ranganath Prabashwara

Time: 4:43:25 PM

University of Rochester

Total Fees Paid: $0.00

Employee:

State of New York

MONROE COUNTY CLERK'S OFFICE
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JAMIE ROMEO

MONROE COUNTY CLERK

EXHIBIT J

Begin forwarded message:

From: "Liesveld, Jane" <Jane_Liesveld@URMC.Rochester.edu>
Subject: RE: Updates
Date: March 24, 2024 at 2:17:49 PM EDT
To: "Dias, Liyanagamage" <rdias@rochester.edu>

Dear Dr. Dias,

I am writing to clarify several matters regarding your grievances in response to your e-mail below. .

You have filed two grievances – one asserting that the removal of students from your laboratory violated your academic freedom which was dated October 10, 2023 (Grievance 1); and one sent via letter dated February 15, 2024 asserting an additional grievance regarding the research misconduct investigation (Grievance 2). Additionally, on February 26, 2024, the Provost referred your case to the UCTP following a research misconduct investigation "for potential removal prior to the end of the period for which you are appointed and termination of your employment" pursuant to the Procedures for Revocation of Tenure Process (the Contract Abrogation Case).

A Faculty Grievance Committee was constituted for Grievance 1 and proceeded with its work pursuant to the General Grievance Procedure of the Faculty Handbook. In the intervening time, the Contract Abrogation Case was referred to the UCTP.

The UCTP has notified you that we are working to constitute a hearing committee for the Contract Abrogation Case. We are convening the abrogation committee separately from the Faculty Grievance Committee that has been established for Grievance 1, and we are following the Procedures for Revocation of Tenure Process for convening that hearing committee. Unless you waive a hearing on that issue, the hearing committee convened will proceed with its work on the Contract Abrogation Case under the Procedures for Revocation of Tenure set forth in the Faculty Handbook.

Concerning Grievance 2, the UCTP has determined that since the factual findings from the research misconduct case must be accepted per the Procedures for Revocation of Tenure, the issues raised in Grievance 2 that attempt to challenge the results of the research misconduct

investigation will not be taken up by UCTP as a grievance. You will have the opportunity to state concerns you may have about the research misconduct investigation as part of the Contract Abrogation Case, but, pursuant to the Procedures for Revocation of Tenure, the UCTP's role is not to make a determination as to whether the results of the research misconduct investigation should be accepted.

For similar reasons, the UCTP has also decided that Grievance 1 will be placed on hold pending the outcome of the Contract Abrogation Case. While we understand that you see Grievance 1 as implicating the research misconduct investigation, the findings of the research misconduct investigation must be accepted as determinative by the UCTP, as per the Procedures for Revocation of Tenure. If your employment is not terminated, the UCTP will resume processing Grievance 1. We will notify the Grievance Hearing Committee and the Academic Lead for Grievance 1 of that UCTP decision.

Regarding your other comments, we agree that the Article 78 proceedings are independent from the internal proceedings, unless there is an aspect of the court proceedings that directs action or restrains action under the internal processes. It is our understanding that you requested judicial action that may have restrained these processes but that no such action has been taken by the court. Therefore, the UCTP has resumed its proceedings under the faculty handbook and will proceed unless otherwise directed by an authority of competent jurisdiction.

Thank you for your correspondence, and I trust this communication will address the status of your grievances.

Sincerely,
Jane Liesveld for the UCTP

From: Dias, Liyanagamage <rdias@rochester.edu>
Sent: Tuesday, March 19, 2024 2:37 PM
To: Liesveld, Jane <Jane_Liesveld@URMC.Rochester.edu>
Cc: Dias, Liyanagamage <rdias@rochester.edu>
Subject: Re: Updates

Dear Prof. Liesveld,

As I was finalizing a letter to the Committee yesterday, I received your email in which you informed me that you have been advised that due to the filing of the Article 78 petition and related documents, you are moving forward with the University's abrogation grievance in advance of my pending grievances. I am now writing to seek clarification and guidance regarding recent developments in the grievance processes as communicated by you your email. You informed me that, following the filing of the Article 78 petition and related documents, the UCTP has decided to prioritize the University's abrogation grievance over my pending

grievances. This decision is purportedly based on the understanding that the research misconduct investigation report has become public due to Article 78 proceeding.

I must respectfully clarify that, to my knowledge, the investigation report remains confidential and not publicly accessible. Additionally, I am under the impression that the external Article 78 proceedings are separate from the UCTP's mandate to oversee internal faculty grievances. Consequently, the decision to expedite the abrogation grievance appears complex regarding its alignment with established protocols. To better understand the situation, I kindly request detailed information on the specific policy provisions within the Faculty Handbook or other guiding documents that the UCTP is following in this matter. Furthermore, I seek clarification on why this approach was not communicated in your February 28, 2024, correspondence.

Dias_Deutsch_Communication_2023.06.16.pdf
331K

Could you also update me on any developments since your last communication that have influenced UCTP's decision to advance the university's abrogation grievance? Additionally, I would appreciate an outline of the procedural timeline for the abrogation proceeding, should I choose to waive or not waive a hearing. Your assistance in clarifying these matters is essential for my comprehension of the current processes and will greatly aid in navigating the steps ahead.

Regards,
Ranga

On Mar 18, 2024, at 9:33 PM, Liesveld, Jane <Jane_Liesveld@URMC.Rochester.edu> wrote:

Ranga,
I wanted to update you on the status of formation of a contract abrogation committee and on your second grievance presented to the UCTP from the Provost's office on 3/1/24. We have subsequently learned that the report regarding research misconduct which you reference (Article 78) has been unsealed by the court. In that event, the UCTP is required to begin formation of an abrogation committee, and we have requested names for such a committee from the provost's office. The only way this would not go forward would be if you waived your right to a hearing in writing. Please confirm your decision on the hearing at your convenience. Assuming you do not waive a hearing, once the committee has been formed, it will receive documents from previous investigation(s) leading to the abrogation determination, and it will issue its report to the UCTP once its hearings are concluded. During contract abrogation proceedings, your second grievance (dated February 15, 2024) will be placed on hold. You may proffer whatever you consider relevant for due consideration by the abrogation committee in that proceeding.

Sincerely,
Jane Liesveld for the UCTP